

Testimony in Support of House Bill 4598

A Bill to Establish Licensure for Certified Professional Midwives (CPMs)

House Regulatory Reform Committee, June 10, 2015

I serve as Vice-President of the Friends of Michigan Midwives and act as liaison to our sister organization, The Coalition to License CPMs. I am an attorney with a small solo practice in Ann Arbor. In addition, I work as a legal researcher at the University of Michigan. My two children were born at home under the care of CPMs. As the final person on this panel, allow me to summarize our reasons for supporting HB 4598 and CPM licensure:

- Anna Boone has spoken of safety concerns, consumer preferences, and access to care.
- Kate Mazzara, CPM, has explained which and how many midwives we can expect to see affected by the passage of this bill, how the bill works, and some details on the CPM credential and its educational standards.
- Phil Pucillo has explained how his family held safety as their primary concern when looking for a midwife to attend their birth.

I would like to call your attention to a legal issue that hampers the practice of Michigan CPMs while they are unlicensed: fear of criminal prosecution. Although the practice of midwifery is not explicitly criminalized in our state, midwives are at risk – at the discretion of prosecutors – of being charged with the unauthorized practice of medicine under MCL § 333.16294.

While obstacles to CPM practice concern me a great deal, I ask you particularly to consider the effect on families and public safety. When a midwife is afraid of prosecution, the incentive is for her practice to become less transparent – in the extreme, as we see in Illinois and before licensure in Indiana, to go underground. Not only are families then uncertain of their midwives' qualifications, but this fear also sets up certain disincentives to good practice. For example, a key feature of the midwife model of care that contributes to its safety is the ability to transfer care appropriately when a patient risks out of CPM care – Dr. Herta is prepared to discuss this in her testimony. Unfortunately, when a midwife fears for her own safety, there is a strong disincentive to transfer a laboring patient to the hospital, for fear of coming to official notice. For the sake of public safety, it is essential that we provide midwives with secure legal status so that they can interface appropriately with the medical system, and be subject to regulatory oversight in general, to enable them to know the rules and follow them, like all other health care providers.

In addition, the lack of licensure may cause child welfare agencies to believe that giving birth at home constitutes neglect or abuse on the part of parents. Parents may then also shy away from appropriate medical care for fear of an investigation of their family or removal of their children.

As a lawyer and a mother, I believe firmly that people tend to behave better when they know what they're supposed to do. I urge you to vote for HB 4598 and make clear rules for Michigan midwives and families – and in doing so, legislate to promote public health and safety.

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